

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

In re:	)	CIVIL ACTION NO. 05-11177-DPW
	)	(LEAD CASE)
M3POWER RAZOR SYSTEM	)	
MARKETING & SALES PRACTICES	)	MDL Docket No. 1704
LITIGATION	)	
	)	
	)	
THIS DOCUMENT RELATES TO:	)	Civil Action No. 05-cv-12336-DPW
Civil Action No. 05-cv-12336-DPW:	)	
	)	
KASEM ADOURE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
THE GILLETTE COMPANY,	)	
	)	
Defendant.	)	
	)	

**PLAINTIFF KASEM ADOURE’S MOTION FOR VOLUNTARY DISMISSAL  
WITH PREJUDICE; MEMORANDUM OF REASONS**

Pursuant to Federal Rule of Procedure 41(a), Plaintiff Kasem Adoure hereby moves for voluntary dismissal of his action (*Kasem Adoure v. The Gillette Company*, Civil Action No. 05-cv-12336-DPW) with prejudice – but reserving and without prejudice to his right to appeal this Court’s order, issued on January 23, 2006, denying his motion to remand because the purpose and intention of the voluntary dismissal, and, indeed, the sole purpose and intention, is to facilitate, expedite, and seek immediate appeal of this Court’s order denying his motion to remand given the First Circuit Court of Appeal’s recent denial of his petition for review of that order on April 24, 2006 in Docket No. 06-8005. *See, e.g., Cashmere & Camel Hair Manufactur-*

## Plaintiff Kasem Adoure's Motion For Voluntary Dismissal With Prejudice

ers Institute, 284 F.3d 302, 308 (1st Cir. 2002) (“the proper course of action is to file a motion for voluntary dismissal with prejudice, stating explicitly that the purpose is to seek immediate review of the interlocutory order in question”); John’s Insulation, Inc. v. L. Addison & Assocs. Inc., 156 F.3d 101, 107 (1st Cir. 1998) (“the proper way to appeal an interlocutory order is to move for a voluntary dismissal with prejudice”); BIW Deceived v. Local S6 Industrial Union of Marine and Shipbuilding Workers of America, IAMAW District Lodge 4, 132 F.3d 824, 828 (1st Cir. 1997) (“it is possible for a party to consent to a judgment and still preserve (its) right to appeal’ a previous ruling on a contested matter in the case, as long as it ‘reserves that right unequivocally.’ Such a reservation occurred here. The record makes manifest that the plaintiffs sought the entry of final judgment solely to facilitate an appeal of the district court’s refusal to remand the suit”) (citation omitted); Coughlin v. Regan, 768 F.2d 468, 470 (1st Cir. 1985) (same); Oregon Bureau of Labor and Industries v. U.S. West Communications, Inc., 288 F.3d 414, 417 (9th Cir. 2002); Concha v. Longdon, 62 F.3d 1493, 1508 (9th Cir. 1995).

Dated: May 5, 2006

Respectfully submitted,

By: /s/ Taras Kick  
 Taras P. Kick  
 G. James Strenio  
 THE KICK LAW FIRM, APC  
 660 South Figueroa Street, Suite 1800  
 Los Angeles, California 90017  
 (213) 624-1588  
[taras@kicklawfirm.com](mailto:taras@kicklawfirm.com)  
[james@kicklawfirm.com](mailto:james@kicklawfirm.com)  
 Counsel for Plaintiff  
 KASEM ADOURE

KANNER & WHITELEY, LLC  
 Allan Kanner  
 Cynthia Green

**Plaintiff Kasem Adoure’s Motion For Voluntary Dismissal With Prejudice**

701 Camp Street  
New Orleans, LA 70130  
(504) 524-5777  
[A.Kanner@kanner-law.com](mailto:A.Kanner@kanner-law.com)  
[C.Green@kanner-law.com](mailto:C.Green@kanner-law.com)  
Counsel for Plaintiff  
KASEM ADOURE